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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEBBIE SIEGFRIED, individually,

Plaintiff,

vs.

LOYA INSURANCE COMPANY, a
Foreign Corporation; and JESS LOPEZ,
individually, DOES I through X and ROE
BUSINESS ENTITIES I through X,
inclusive,

Defendants.

Case No. 2:20-cv-01905-KJD-DJA

**PLAINTIFF'S MOTION TO ENLARGE
TIME TO SERVE SUMMONS AND
COMPLAINT ON DEFENDANT JESS
LOPEZ**

Plaintiff, DEBBIE SIEGFRIED, by and through her attorneys, Dennis M. Prince and Kevin T. Strong of PRINCE LAW GROUP submits this Motion to Enlarge Time to Serve Summons and Complaint on Defendant Jess Lopez.

I.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

On December 8, 2014, a motor vehicle collision occurred at the intersection of Cheyenne Avenue and Rainbow Boulevard in Clark County, Nevada involving Plaintiff

1 Debbie Siegfried ("Siegfried") and Defendant Jess Lopez. As the result of the collision,
2 Siegfried suffered injuries and filed a personal injury action in State Court.

3 On February 10, 2020, a jury trial commenced in the personal injury action.
4 During the jury selection process, the parties, through their respective counsel, agreed
5 to submit the case to binding arbitration. Up to and during the course of the trial,
6 Defendant Loya Insurance Company refused to settle the case to prevent a judgment in
7 excess of the policy limits against its insured, Defendant Lopez. Under the terms and
8 conditions of the Binding Arbitration Agreement, Defendant Lopez assigned all his legal
9 rights against Defendant Loya Insurance Company for the breach of duties described
10 herein. Siegfried, as Lopez's assignee, has the legal right to bring the claims asserted
11 against Defendant Loya Insurance Company herein.

12 The Complaint in this matter was filed on September 3, 2020. Plaintiff Debbie
13 Siegfried (hereinafter "Plaintiff") has 120 days to serve Defendants with a copy of the
14 Summons and Complaint. The deadline to effect service of process upon Defendants is
15 January 1, 2021. Defendant Loya Insurance Company was already served.

16 After numerous unsuccessful attempts to personally serve Defendant Jess Lopez,
17 Plaintiff respectfully requests that this court enter an order allowing Plaintiff to serve
18 Defendant Lopez by publication. The attempts to personally serve Defendant Lopez are
19 outlined below:

- 20 • On or around September 4, 2020 Plaintiff retained LV Process and
21 Investigations, LLC (hereinafter "LV Process") serve Defendant Lopez with
22 the Summons and Complaint.
- 23 • On or around September 8, 2020, LV Process attempted to serve Defendant

1 Lopez at his residence located at 8744 Raindrop Canyon Ave., Las Vegas,
2 Nevada 89129. There was no answer to a knock on the door and no vehicles
3 present. A business card was left on the front door.

- 4 • On or around September 12, 16, and 21, 2020, LV Process again attempted
5 to service Defendant Lopez at his residence located at 8744 Raindrop
6 Canyon Ave., Las Vegas, Nevada 89129. A Nissan Sentra was in the
7 driveway but no one answered the door. A business car was left on the
8 front door requesting contact.
- 9 • On or around September 21, 2020, LV Process ran a Database Tracers
10 search on the Nissan Sentra and found the vehicle was owned by Defendant
11 Lopez. LV Process also received a copy of the traffic accident report and
12 attempted to contact Defendant Lopez by phone.
- 13 • On September 24 and 29, 2020 and October 3, 2020, LV Process again
14 attempted to service Defendant Lopez at his residence located at 8744
15 Raindrop Canyon Ave., Las Vegas, Nevada 89129. The Nissan Sentra was
16 in the driveway, but no one answered the door. A business car was left on
17 the front door requesting contact.
- 18 • On September 28, 2020 and October 5, 2020, LV Process tried to contact
19 Defendant Lopez by phone but was unsuccessful.
- 20 • On October 5, 2020, LV Process ran multiple database searches, including
21 but not limited to: Database Tracers Clark County Assessor's website,
22 Nevada Voters Registration, Clark County Detention Center, Clark County
23 Marriage Records, Nevada Secretary of State, Clark County Justice and
24

District Courts in Las Vegas and Henderson and an online search, but found no current information on Defendant Lopez.

- On October 5, 2020, LV Process again tried to contact Defendant Lopez by phone but was unsuccessful.

II.

LEGAL ARGUMENT

FRCP 4(m) states, in pertinent part, as follows:

(m) **TIME LIMIT FOR SERVICE.** If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Pursuant to FRCP 4(m), Siegfried seeks an order to enlarge the time to serve Defendant Lopez. Siegfried has also filed, concurrently herewith, a Motion to Serve by Publication wherein she seeks to serve Defendant Lopez by publication, but requires additional time to effectuate said service. Based on the filing of the Complaint, Siegfried currently has up to and including January 1, 2021, to effectuate service of process on Defendant Lopez. Siegfried requests an additional 90 days, up to and including April 1, 2021 to serve the Defendant Lopez via publication. This is Siegfried's first request for an extension of time.

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III.

CONCLUSION

For the foregoing reasons, Siegfried respectfully requests this Court enter an Order granting Plaintiff Debbie Siegfried's Motion to Enlarge Time to Serve, to allow Siegfried up to and including April 1, 2021, to effectuate service of process on Defendant Lopez.

DATED this 7 day of December, 2020.

Respectfully Submitted,

PRINCE LAW GROUP



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IT IS SO ORDERED.

DATED: December 8, 2020

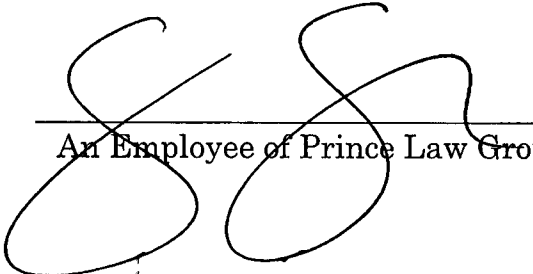


DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that I am an employee of **PRINCE LAW GROUP** and that on the 7 day of December, 2020, I electronically filed the foregoing document entitled **PLAINTIFF'S MOTION TO ENLARGE TIME TO SERVE SUMMOND AND COMPLAINT ON DEFENDANT JESS LOPEZ** with the Clerk of the Court using the CM/ECF system, which sent a notice of electronic filing to the following:

M. Bradley Johnson, Esq.
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An Employee of Prince Law Group